

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

DAMONIE EARL, LINDA RUGG, ALESA
BECK, TIMOTHY BLAKEY, JR.,
STEPHANIE BLAKEY, MARISA
THOMPSON, MUHAMMAD MUDDASIR
KHAN, ELIZABETH COOPER, JOHN
ROGERS, VALERIE MORTZ-ROGERS, and
LAKESHA GOGGINS, each individually and
on behalf of all others similarly situated,

Plaintiffs.

v.

THE BOEING COMPANY,
SOUTHWEST AIRLINES CO.,

Defendants.

Civil Action No. 4:19-cv-00507-ALM

**[SEALED] NOTICE CONCERNING PENDING MOTION
TO DESIGNATE BATHAE DUNNE LLP AS INTERIM LEAD COUNSEL**

On May 14, 2020, Bathae Dunne—which is lead counsel for all but one named Plaintiff, Ms. Goggins—filed a motion to designate the firm as interim lead counsel under Rule 23(g)(3). (Dkt. 99.) The firms of Pierce Bainbridge and Hecht Partners, which purport to represent certain Plaintiffs, opposed. (Dkt. Nos. 110 and 136.) Defendants also opposed. (Dkt. Nos. 108 and 137.) This notice is filed to inform the Court of relevant events and document productions that have occurred since the date of Bathae Dunne’s reply brief (Dkt. No. 120, filed June 4, 2020):

(1) the recent production of engagement and co-counsel agreements that confirm Bathae Dunne should be designated interim lead counsel, and

(2) the recent appearance of Susman Godfrey, **REDACTED**

REDACTED.

1. Plaintiffs' client engagement letters and co-counsel agreements

a. Engagement Agreements

On June 10, 2020, in response to Defendants' discovery requests, Bathaee Dunne produced its most recent client engagement agreements, those with Plaintiffs Damonie Earl, Linda Rugg, Alesa Beck, Timothy Blakey, Jr., Stephanie Blakey, Marisa Thompson, Elizabeth Cooper, John Rogers, and Valerie Mortz-Rogers. (Ex. A.)

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

(Ex. A at 1, 2.)

b. Co-counsel Agreement

On July 14, 2020, in response to Defendants' discovery requests, Plaintiffs' counsel produced the co-counsel agreement between Bathaee Dunne and Pierce Bainbridge. (Ex. B.)

REDACTED

REDACTED



(Ex. B at 1.)

2. Susman Godfrey's recent appearance.

REDACTED



¹ Hecht Partners itself has not shown that it should have any role at all as counsel in this case. It claims to be a successor in interest to Pierce Bainbridge but has refused to produce any documentary evidence of this succession.

REDACTED

* * *

These new developments further demonstrate that Bathaee Dunne's motion is not "premature," and that it should be promptly granted. The resolution of the motion in Bathaee Dunne's favor will allow the firm to definitively speak as lead counsel and control the case—as it has already been doing. In addition, it will allow Bathaee Dunne to further advance the interests of the class without (a) the ongoing distraction and interference caused by the lawyers at Pierce Bainbridge, Hecht Partners, and now Susman Godfrey and (b) the inefficiency and unnecessary cost that is resulting from lawyers at these firms attempting to double and triple bill for time that is not authorized by Bathaee Dunne and not beneficial to the class.

August 7, 2020

Respectfully submitted,

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Goggins*

CERTIFICATE OF SERVICE

I hereby certify that on August 7, 2020, a true and correct copy of the above was served via email on all counsel of record and through the Eastern District of Texas's CM/ECF system.

/s/ Yavar Bathaee

CERTIFICATE OF AUTHORIZATION TO SEAL

Under the Stipulated Protective Order entered by the Court (DN 132) and in compliance with LR CV-5(7), I hereby certify that this document and any sealed attachments are properly filed under seal.

/s/ Yavar Bathaee